

From: [Schaub, Mike](#)
To: [Amy Trahan \(amy_trahan@fws.gov\)](mailto:amy_trahan@fws.gov)
Subject: Eastern LMRAP biological evaluation
Date: Thursday, February 7, 2019 3:21:00 PM

Hi Amy,

Just thought I'd check in with you to see if you had had a chance to review the BE for the DO criterion change in the eastern LMRAP ecoregion? I'm sure you all were on shutdown in Dec/Jan like we were, so I understand you're probably swamped. Just FYI, the court case on that issue appears to be nearing some kind of closure. EPA has requested a remand of the criteria so we can complete the consultation with FWS accordingly. The question is how much of the criteria approval decision will be vacated, so that's still out there. I've been told that the court will probably render a decision sometime in late Feb/early March after all filings with the court are completed on Feb. 13 (although that's uncertain with another shutdown looming, not to mention some other variables that could set that back). So, it's possible we'll be in a position to re-initiate consultation with you all later on this Spring on some aspect of the original decision (which I guess could also be amended in some fashion). So, we remain interested in getting your assistance to assist us in identifying shortcomings in the previously submitted BE, additional data and information that may be available for the specifically identified species of concern, and any other ways in which the evaluation could be shored up to properly address ESA concerns in the area of interest. We'd welcome any kind of feedback, either on the phone or in writing, when it's convenient for you.

Thanks so much!

Mike Schaub
Water Quality Standards Program
Water Division
US EPA Region 6-Dallas
214-665-7314